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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Written statement submitted by the International Council of Voluntary Agencies, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 February 1993]

Non-governmental organizations throughout the world have continued to react with shock and horror at the constant and flagrant abuses of human rights that have characterized the conflict in the former Yugoslavia. Innocent civilian populations continue to be deliberately targeted by the warring parties and it becomes more and more apparent that the abuses directed at them have become a systematic instrument of war.

When the final reckoning takes place, no party to this tragic conflict will emerge with clean hands and one particularly repellent feature will be the extent to which the human rights argument has unashamedly been used as a propaganda weapon. The cynical disregard for truth with which accusations are responded to by counter-accusations alleging the identical abuse almost challenges belief. It is hard to see how any faction can expect to benefit from this nauseating practice, which is as unconvincing as it is repugnant to any normal standard of decency. Yet it goes on continually and the outrages themselves are in danger of becoming forgotten in the incessant clamour of the propaganda war.

Yet these outrages are of sickening brutality and show little sign of being lessened by a restraining hand. Since the last written statement by the International Council of Voluntary Agencies (ICVA) to the Commission on

Human Rights of 13 August 1992, some progress in the international arena has undoubtedly been made. Most importantly, a Special Rapporteur has been appointed and we pay tribute to the thorough, dispassionate and objective nature of this work. A Committee of Experts into the issue of war crimes has also been appointed, although it remains a grave disappointment to the community of non-governmental organizations that it is apparently not empowered to prepare cases for prosecution and that, even if it were, no war crimes tribunal has been established before which those cases could be heard. It cannot be too discomforting to be denounced as a war criminal if one knows that no machinery exists by which one can be brought to justice. We continue to urge that a war crimes tribunal should be appointed and that active investigation with a view to prosecution should be instituted as speedily as possible before the trail of evidence becomes too cold to follow. If this is not done, the single most powerful weapon that we have against the perpetrators of atrocity - the weapon of threatened retribution - will have been thrown away.

The lack of an effective war crimes mechanism is one reason why, it has to be admitted, a general sense of hopelessness and helplessness now prevails. As those responsible for relief assistance to the former Yugoslavia have constantly emphasized, humanitarian relief - however much it may alleviate the suffering of the victims of the war - is not a solution to the problem. We respect all the efforts which have been made and even now continue to be made to find a political solution, but what conviction do we really have that such a solution will be found? In an ICVA statement to the Humanitarian Issues Working Group of the International Conference on the Former Yugoslavia, made on 4 December 1992, we were compelled to ask how long further action under Articles 7 and 43 of the Charter of the United Nations could be avoided and the question remains just as pressing now, as does that of action under the Convention on the Prevention and Punishment of the Crime of Genocide, for surely what we have so tragically witnessed has being nothing less than actions deliberately aimed at the destruction of particular human groups. So does the need for more effective protection of those who struggle so heroically to deliver humanitarian relief. Harassment, obstruction and shelling continue unabated, aircraft are in constant danger and the first fatal casualty by deliberate mortar attack has now been inflicted on convoy personnel. As security continues to deteriorate, we can be certain that it will not be the last. All solutions have their dangers, but the case is now surely unanswerable for a less passive, more resolute, more positive approach.

Non-governmental organizations have, of course, an immediate operational interest in security for the delivery of humanitarian relief. Their own personnel are in the front line of those who risk their lives daily to help ensure the survival of the victims of this tragic conflict - and without the right to survival other human rights are meaningless. But we are now approaching the stage where the most intrepid of non-governmental organizations dare not venture far without armoured vehicles and evacuation schemes, for the United Nations own protective machinery has serious flaws. How long can we - and the United Nations itself - go on fulfilling a humanitarian role when every decency is flouted and charity and compassion rewarded by a bullet from a sniper's gun?

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